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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,252	02/11/2004	Galyn A. Schulz	02734.0492-00000	1102
22852	7590	12/06/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			HUG, ERIC J	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 11-16 in the reply filed on October 24, 2006 is acknowledged. The traversal is on the grounds that the subject matter of the claims within each of the groups overlaps to such an extent that examination of all groups of claims would not present a serious burden on the examiner. Although the search required for the subject matter of one group may overlap the subject matter of another, given the broad scope of the claimed inventions, the amount of expected overlap is considered to be minimal compared to the large number of embossing methods/systems in the prior art which produce embossed webs (paper or otherwise) and fit within the scope of the claims. A search of any one invention involves a search for different subject matter and within different classifications, and could yield results not commensurate with any of the other inventions (for example, see the references applied below). Therefore a serious burden exists on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Murji et al (US 5,387,385). See Figure 1 where Murji discloses an embossed web having three debosses. Deboss 34 is in the cross-machine direction. Deboss 40 is in the machine direction. Deboss 28 is a perforate embossment in the machine direction.
2. Claims 11, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schulz (US 5,383,778). See Figure 5A where Schulz discloses an embossed web having three debosses. Deboss 102 is a perforation in the cross-machine direction. Deboss 104 comprises two debosses of about equivalent number in the cross-machine direction and in the machine direction.
3. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauernfeind (US 4,759,967). See Figure 3 where Bauernfeind discloses an embossed web having three debosses. Two of the debosses are oriented in the cross-machine direction (black and white individual ovals). Those making up the shamrock are oriented at an angle to the machine direction.

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4. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Burt (US 4,671,983).

See Figure 2b where Burt discloses an embossed web having three debosses, one of which is oriented in the cross-machine direction (12) and two oriented at opposite angles to the machine direction (16, 18).

5. Claims 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (US Des. 264,512). The figure of Rogers shows an embossed tissue web having three debosses, including one line-shaped deboss oriented in the cross-machine direction, one line-shaped deboss oriented in the machine direction, and one circular-shaped deboss.

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 13 is allowable for providing three debosses all in the cross-machine direction.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Eric Hug